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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/527,410 | 03/16/2000 | Bing Lin Yang | YKI-0034 | 1559 |

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EXAMINER

EASTHOM, KARL D

| | |
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| ART UNIT | PAPER NUMBER |
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2832

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,410

Applicant(s)

YANG, BING LIN

Examiner

Karl D Easthom

Art Unit

2832

-- Th MAILING DATE of this c mmunicati n appears n the c ver sheet with th c rresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5, 8-9, 13, 15, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones. Jones discloses sealing spacers 4,5 fixed on the lead portion of terminals 10,11, on one piece cylindrical housing 3, the sealing spacer fixed airtightly at said housing at said interior around the portion where metal 6 resides on the interior of the housing. The tips of c are broadened with a projected surface. In claim 2, the welding is by way of metal 6 or by heating 5,6. In claim 8 there is a mixture of gas and air since the air cannot be all discharged, and the gas is "insert" since it has been inserted. In claims 5 and 9, the shape is cylindrical. In claim 13, the projection is "substantially conical" where the term is one of degree and the surface looks like a cone that is not pointy. In claim 15, col. 1, line 70 discloses spherical end sections which would include a semi-spherical portion.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 and 12 are rejected under 35 U.S.C. 103(a) as obvious over Jones in view of Kozlowski. The claimed invention is as noted above except the inert gas and clean dry air. Kozlowski discloses repeated backfilling and flushing which would inherently results in the

cleanliness claimed, col. 3, lines 5-20. Jones discloses hermetic sealing and using gas filling at col. 2. It would have been obvious to backfill and flush until the desired cleanliness is obtained and to use the inert gas and clean air where repeated flushing for cleaning is disclosed, for the purpose of getting the air as clean as possible.

5. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as obvious over Jones in view of Kawiecki, Lange et al. '260, or Hill et al. The claimed invention is disclosed except for the grid pattern. Kawiecki discloses such a pattern 30 at fig. 5 to inhibit electrode erosion and to hold electrode material, as does Lange at Figs. 1-3 for holding discharge material at col. 2, as does Hill as 3C at Figs. 1-2 for the same reason at col. 2, such that it would have been obvious to provide such a pattern for the purpose noted in the Jones device.

6. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as obvious over Jones in view of Zuk. The claimed invention is disclosed except for the conical delimiting pattern. Zuk discloses such a pattern at Fig. 2 for the purpose of controlling the gap width - see col. 2. . It would have been obvious to employ the pattern for the purpose of controlling the gap width.

7.. Claims 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Harada et al. The noted reference discloses the claimed invention except for the lead wires being Dumet. Harada et al. discloses such a lead wire at col. 6 for the purpose of forming leads that penetrate glass. It would have been obvious in view of Harada et al. to form lead wires of Dumet for penetrating the glass of the references noted.

8. Applicant's arguments filed 6/9/03 have been fully considered but they are moot or persuasive only in part. As to Jones not having a projected surface, this is not correct where the surface C is clearly projected from a plane.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306. The examiner can normally be reached on M-Th from 5:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703) 308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



KARL D. EASTHOM
PRIMARY EXAMINER